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notwithstanding it was lost in the mail when forwarded for collection, and the bank waited in the hope that it would reach its destination. See sec. 2841a, Va. Code 1904 (102) and (103).

CRIMINAL LAW—BURGLARY—BREAKING AND ENTERING— VA. CODE 1904, SEC. 3704.—Raising a window partly open so as to create an aperture sufficient to admit of entrance into a building, which is subsequently effected through the opening, is held, in *Claiborne v. State* (Tenn.), 68 L. R. A. 859, to be a sufficient breaking to come within the statute defining burglary as the "breaking and entering into a mansion house by night with intent to commit a felony."

Compare *Finch's Case*, 14 Gratt. 643, and *Hunter's Case*, 7 Gratt. 642, 56 Am. Dec. 121, and notes to sec. 3704, Va. Code 1904.

MUTILATION OF CORPSE.—A right of action is held, in *Koerber v. Patek*, (Wis.) 68 L. R. A. 956, to exist against one who, on being granted permission to examine the stomach of a corpse, removes it from the body and refuses to return it, so that the body has to be buried in a mutilated condition.

RAILROADS—DUTY TO TRESPASSER ON MOVING CAR—AUTHORITY OF BRAKEMAN.—The liability of a master for injuries caused by a brakeman who wantonly and wilfully kicks a trespasser from a moving car is sustained in *Dixon v. Northern Pacific R. Co.* (Wash.) 68 L. R. A. 895, unless entire absence of authority of brakeman to eject trespassers is shown.

STREET RAILWAY—COLLISION WITH VEHICLE—INJURY TO PASSENGER.—A passenger on a street car, injured by its collision with a wagon at a street crossing, is held, in *Black v. Boston Elevated R. Co.* (Mass.) 68 L. R. A. 799, to have no right to recover from the street car company for his injuries, although he was in the exercise of due care, if the evidence tends to show that the collision was due to the negligence of the person in charge of the wagon. A note to this case discusses the question of presumption and burden of proof on question of carrier's negligence when passenger, in the exercise of due care, is injured by collision with vehicle under control of third person.

STREET RAILWAY—STARTING CAR—DUTY TO PASSENGERS ENTERING CAR.—A street car company which stops its cars for the purpose of receiving passengers is held, in *Normile v. Wheeling Traction Co.* (W. Va.) 68 L. R. A. 901, to be charged with the highest degree of care to see that all passengers lawfully entering its cars get to a place of safety thereon before starting the cars.

IMPROPER REMARKS OF COUNSEL.—In *Missouri etc. R. Co. v. Nesbit*, (Tex. Civ. App.) 88 S. W. Rep. 891, which was a personal injury case,